

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

NICOLAS EPSKAMP,

Defendant.

USDS SDNY
DOCUMENT
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No. 12-cr-120 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

On January 7, 2015, the Court issued an order directing Defendant to reply to the government's January 6, 2015 letter, in which the government opposed Defendant's request that Cornelius de Jongh be permitted to testify via live closed-circuit television (CCTV) during trial. (Doc. No. 170.) The Court is now in receipt of Defendant's reply, dated January 16, 2015, in which Defendant articulates why the Court should grant its request. (Doc. No. 172.)

In light of Defendant's representations, the Court's October 2, 2013 Order granting Defendant's prior motion for a Rule 15 deposition of de Jongh (Doc. No. 111), and the fact that the Court has granted a similar request from the government, IT IS HEREBY ORDERED THAT Defendant's request to permit de Jongh to testify via CCTV at trial is granted, provided de Jongh's testimony will not delay the trial and will be conducted in accordance with U.S. federal criminal procedure (*i.e.*, de Jongh will testify under oath and will be questioned directly by trial counsel via CCTV). *See United States v. Gigante*, 166 F.3d 75, 81 (2d Cir. 1999); *United States v. Johnpoll*, 739 F.2d 702, 708-09 (2d Cir. 1984).

SO ORDERED.

Dated: January 21, 2015
New York, New York


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE